

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE**

IN THE MATTER OF EVERSTREAM)	
SOLUTIONS, LLC APPLICATION FOR)	
CERTIFICATE OF PUBLIC CONVENIENCE)	
AND NECESSITY TO PROVIDE)	PSC DOCKET NO. 20-0624
COMPETITIVE ACCESS)	
TELECOMMUNICATIONS SERVICES)	
(SUBMITTED OCTOBER 2, 2020; FILED)	
FEBRUARY 1, 2021))	

ORDER NO. 9753

AND NOW, this 10th day of March 2021, the Delaware Public Service Commission (“Commission”) determines and orders the following:

WHEREAS, on February 1, 2021, Everstream Solutions, LLC (“Everstream” or the “Company”) completed its application with the Commission seeking a Certificate of Public Convenience and Necessity (“CPCN”) to allow it to provide facilities-based competitive access telecommunications services in the State of Delaware (the "Application"); and

WHEREAS, Everstream anticipates providing facilities-based competitive access telecommunications services to business customers throughout the entire State of Delaware. The Company seeks authorization to provide point-to-point, point-to-multipoint, and multipoint-to-multipoint dedicated high capacity transmission services that connect one or more customer-designated locations to the Company. The service may utilize Ethernet interfaces, optical fiber and/or coaxial cable facilities, and will be designed and provisioned on an individual case basis pursuant to contracts with customers; and

WHEREAS, Everstream has requested, pursuant to 26 *Del. C.* § 208(b), that it be authorized to maintain its books and records relating to its Delaware operations outside of the State of Delaware; and

WHEREAS, Everstream has provided sufficient information demonstrating that it has the financial, technical, and operational capabilities required for a CPCN as set forth in 26 *Del. C.* § 203A and the Commission's *Rules for the Provision of Telecommunications Services*, under 26 *Del. Admin. C.* § 4001 (the "*Rules*"); and

WHEREAS, Everstream provided the required affidavits of publication of notice of the Application from the *Delaware State News* and *The News Journal* newspapers and no formal comments or objections regarding the Application have been received; and

WHEREAS, because Everstream will not be providing switched access services, a tariff is not required; however, Everstream provided an initial tariff in the Application; and

WHEREAS, Commission Staff has submitted to the Commission a memorandum recommending approval of the Application; and

WHEREAS, the Commission determines that a CPCN should be granted to Everstream to authorize it, as a public utility, to offer telecommunications services under the provisions of 26 *Del. C.* § 203A and the *Rules*, subject to the conditions listed below;

NOW, THEREFORE, IT IS HEREBY ORDERED BY THE AFFIRMATIVE VOTE OF NO FEWER THAN THREE COMMISSIONERS:

1. That, pursuant to 26 *Del. C.* § 203A and Subchapter VII-A, Chapter 1 of Title 26 of the Delaware Code and the Commission's *Rules for the Provision of Telecommunications Services*, the Commission hereby grants to Everstream a CPCN to operate as a public utility and to provide facilities-based competitive access

telecommunications services in the State of Delaware as described in the Application. This approval of the Application is expressly conditioned on Everstream's pledge that it will not initiate any traditional switched services or any service that requires the incumbent carrier or other carrier to assist in terminating or exchanging traditional analog traffic prior to entering into an interconnection agreement or similar agreement with an incumbent or other carrier and submitting such agreement to the Commission for approval.

2. That, upon the completion of an interconnection agreement or similar agreement with an incumbent or other carrier, Everstream shall file the agreement with the Commission and request its approval of the agreement.

3. That Everstream shall provide facilities-based competitive access telecommunications services in the manner required by the *Rules* and at all times shall comply with all applicable provisions of the Delaware Code, the Commission's Rules and Regulations, and all other applicable laws, rules, regulations and orders.

4. That Everstream is authorized to maintain its books and records relating to its Delaware operations outside of the State of Delaware; provided, however, and upon the condition that, Everstream shall provide to the Commission, at its Dover, Delaware office, in a timely manner and upon the written request of the Commission's Executive Director, all such books and records relating to Everstream's Delaware operations as the Commission may deem reasonably necessary from time to time for review and copying. If the Commission must review the Delaware-related books and records of Everstream at a location other than the Commission's Dover, Delaware office, Everstream shall pay for the expenses of such review.

5. A violation of this Order, the Commission's Rules and Regulations, or other applicable law, rule, regulations or order may result in suspension or revocation of the CPCN.

6. The Commission reserves the jurisdiction and authority to enter such further orders in this matter as may be deemed necessary or proper.

BY ORDER OF THE COMMISSION:

Dallas Winslow, Chairman

Joann Conaway, Commissioner

Harold Gray, Commissioner

Manubhai "Mike" Karia, Commissioner

Kim F. Drexler, Commissioner

ATTEST:

Donna Nickerson, Secretary